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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/679,051 | 10/02/2003 | Yi-Hsung Pang | 59629-8011.US01 | 5322 |

22918 7590 09/25/2007
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| EXAMINER |
|---|
| WILLIAMS, THOMAS J |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3683 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 09/25/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| **Office Action Summary** | **Application No.**<br>10/679,051 | **Applicant(s)**<br>PANG, YI-HSUNG | |
|---|---|---|---|
| | **Examiner**<br>Thomas J. Williams | **Art Unit**<br>3683 | |

***-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *16 May 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *12-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

## DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 16, 2007 has been entered.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 12, 14-16, 19, 20, 26, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 3,614,126 to Carlson in view of US 3,501,167 to Palowsky.

Re-claims 12, 14-16, 19, 20, 26, 27 and 28, Carlson teaches a braking buffer comprising: a weight element or drum 63/65 movable along an axis parallel to the front to rear axis of the vehicle, the drum will move toward the front of the motorcar when brakes of the motorcar are engaged while the motorcar is in motion, and the drum returns to the predefined resting position after the motorcar slows down or comes to a stop; the recovery device biases the drum to the predefined resting position. Carlson does teach that it is known in the art to use a drum biased along a single guiding axis as a stabilizer/buffer in a vehicle, see column 1 lines 36-41. However, Carlson fails to teach a structure of the buffer as being a weighted drum surrounding a portion of a guiding axis and moveable along the guiding axis, as well as the other recited structure of the buffer device.

Palowsky teaches a vehicle stabilizer/buffer comprising a weighty drum 8 biased in opposing directions along a single guiding axis 7. The drum surrounds a portion of the guiding axis and is capable of moving along the guiding axis in either direction, the stabilizer/buffer is provided with a supporting frame 4, and a coiled spring as a recovery device. It would have been obvious to one of ordinary skill in the art to have substituted the stabilizing devices of Carlson with the stabilizing device taught by Palowsky, since each is considered functional equivalents aimed at achieving the same result which is to stabilize the motion of the vehicle, in both the longitudinal and lateral directions, and both would have achieved the predictable result of increasing the stabilization of the vehicle during braking thus improving the braking response of the vehicle as well as improving the comfort for the passengers. The stabilizing devices taught by Palowsky would have been oriented as intended by Carlson. The springs 10 will function as a buffering device.

Re-claim 13, the device including the guiding axis is capable of being attached to an underside of the motorcar, see column 2 lines 44-47.

4. Claims 17, 18, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson in view of Palowsky as applied to claims 12 and 19 above, and further in view of US 2,155,130 to Hanel.

Re-claims 17, 18, 21 and 22, Carlson as modified by Palowsky fail to teach either the recovery device or the buffer device (specifically in the embodiment illustrated in figures 1-4) as comprising either a pneumatic device or elastic rubber. Hanel teaches a stabilizer or braking buffer having a recovery device and buffer device comprising either a coil spring, pneumatic device or rubber device, see column 2 lines 36-39. Each is considered a functional equivalent of the other. It would have been obvious to one of ordinary skill in the art to have substituted the coil spring of Palowsky with either a pneumatic device or elastic rubber device as taught by Hanel, as each would have yielded the predictable result of providing the required recovery function for the buffer device.

5. Claims 23-25, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson in view of Palowsky as applied to claim 12 above, and further in view of US 4,588,206 to Powers.

Re-claims 23-25, 29 and 30, Carlson as modified by Palowsky fail to teach the buffer devices set to various angles relative to the vehicle, and in particular between 1 and 4 degrees. Powers teaches a vehicle stabilizing or buffer device that is situated at an angle relative to the vehicle, thus improving the response of the stabilizing device. It would have been obvious to one of ordinary skill in the art to have angled the stabilizers of Carlson as modified by Palowsky as taught by Powers, thus improving the damping response of the stabilizer. Furthermore, it would have been obvious to one of ordinary skill in the art as a matter of design choice to have chosen the angle best suited for the vehicle in question, including angles between 1 and 4 degrees, and to have biased the weight towards the back of the motorcar when in a rest position, since applicant has not disclosed that having the recited angle or rest position solves any stated problem or is for any particular purpose and it appears that the braking buffer of Carlson as modified by Palowsky would have performed equally well at an angle of between 1 and 4 degrees as well as having the rest position of the weight towards the rear of the vehicle.

## *Response to Arguments*

6. Applicant's arguments filed May 16, 2007 have been fully considered but they are not persuasive. Carlson does in fact provide the basis for utilizing a longitudinal (front to rear direction of the vehicle) stabilizing or buffer device in a vehicle, see column 3 lines 13-29 and column 4 lines 33-40. Carlson teaches that by utilizing a stabilizer oriented in the travel direction of the vehicle one can improve the braking response, see column 4 lines 33-40. Carlson merely lacks the specific structure recited in the applicant's claimed invention, specifically a drum moveable along a guiding axis. However, Carlson does teach that this type of buffer is known in the art, and as such is relied upon by the examiner as providing motivation for the use of such a buffer structure. Whereupon, the examiner relies upon Palowsky as a teaching reference showing a buffer having the structure as recited by the applicant. Each buffer is expected to yield the same predictable result, which is to provide an increased vehicle stabilization. As such it is the opinion of the examiner that the combination of Carlson and Palowsky is proper and would have been obvious to one of ordinary skill in the art. Hanel is merely relied upon as teaching various means by which to provide a recovery function to the weight of a buffer device. Powers is merely relied upon to teach the various angles one could mount a buffer device relative to a vehicle. As such neither of these references is intended to address the recitations of the independent claims.

## *Conclusion*

7. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under

37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is 571-272-7128. The examiner can normally be reached on Wednesday-Friday from 6:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi, can be reached at 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-6584.

TJW

September 20, 2007

**THOMAS J. WILLIAMS**
**PRIMARY EXAMINER**

Thomas Williams
AU 3683
9-20-07